

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/600,434	PORTRAIT, PASCAL	
	<b>Examiner</b>	<b>Art Unit</b>	
	John R. Paradiso	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to telephone interview on 3/20/2006.
- 2. ☒ The allowed claim(s) is/are 1,2,4-6,8, 10 and 19.
- 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    - 1. ☒ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### **EXAMINER'S COMMENTS**

#### ***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tom Boshinski on March 20, 2006.

2. The application has been amended as follows:

Claims 12, 13, 16-18, and 20 are cancelled.

3. Applicant authorizes a three-month extension of time to be charged to account: 13-2512.

*Reasons for Allowance*

4. The following is an examiner's statement of reasons for allowance: the prior art could not alone or in combination anticipate or make obvious

Claims 1, 2, 4-6, 10, and 19 are treated as means plus function claims and the prior art could not alone or in combination anticipate or make obvious a packaging machine in which a means for separating groups of articles creates sub-groups of articles, a means for carton erecting comprising complementary die members on rotating wheels with each die member engaging a carton blank between them and forming receiving cells in the carton, loading means for loading the subgroups of articles into the receiving cells.

The closest pertinent prior art, DIETRICH ET AL, discloses erecting/loading cartons, but not dividing the articles into subgroups.

Claim 8 is allowed because the prior art could not alone or in combination anticipate or make obvious a mechanism for forming a carton including a pair of article receiving cells, the mechanism comprising complementary die members, each die member being mounted on a rotating wheel with each die interengaging when a blank is positioned between the die members and to cause the blank to be folded to define the article receiving cells, one die having a protruding portion and the other die a recessed portion to receive said protruding portion.

The most pertinent prior art, MONCRIEF, disclose an apparatus for forming cartons, but each of the dies is not mounted on a wheel. Also, Fig. 5 of MONCRIEF shows that dies (36, 62) do not actually mesh together.

Claim 22 is allowed because the prior art could not alone or in combination anticipate or make obvious an apparatus for orienting an article with a protruding portion, the apparatus

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comprising a channel acting as support for the article, an elongate member to cause the article to rotate in the support until the protruding portion of the article is restrained by an abutment.

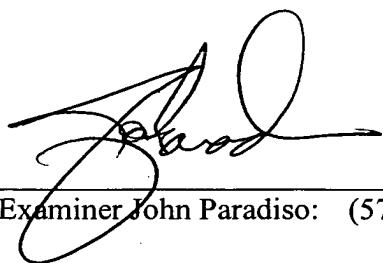
The most pertinent prior art, KONTZ, discloses an apparatus for orienting an article, but does not disclose a channel as the support with an elongate member to cause the article to rotate in the support until the protruding portion of the article is restrained by an abutment.

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466



Rinaldi Rada  
Supervisory Patent Examiner  
Group 3700

March 20, 2006

***Additional Phone Numbers:***

Supervisor Rinaldi Rada: (571) 308-7135  
Fax (Official): (571) 273-8300  
Fax (Direct to Examiner) (571) 273-4466 (Drafts only)